

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL E. KEELING,	:	
	:	
Petitioner,	:	CIVIL ACTION
	:	
	:	
v.	:	NO. 02-4626
	:	
	:	
SUPT. SHANNON, et al,	:	
	:	
Respondent.	:	

ORDER

Presently pending is Petitioner's Motion for Relief Under Federal Rule of Civil Procedure 60(b) filed on December 10, 2004. The instant motion is essentially a motion seeking the re-opening of the court's consideration of a previously decided petition for writ of habeas corpus relief. In the motion Petitioner argues that the court made "mistakes" and that in accordance with Fed.R.Civ.P 60(b), it must correct those mistakes. The mistakes Petitioner asserts the court made are that: (1) the court should reverse its decision on his Sixth Amendment claim that he was denied the right to a speedy trial; (2) the court erroneously determined his Fourth Amendment claims for ineffective assistance of counsel regarding his trial counsel's asserted failure to challenge the stated probable cause for his arrest and failure to properly challenge the admissibility of certain evidence at trial; (3) his Sixth Amendment claim for ineffective assistance of counsel should be due to trial counsel's failure to investigate and call certain witnesses should be granted.

The court has already considered the petition for habeas corpus relief, the Report and Recommendation of Magistrate Judge Thomas Reuter, and Petitioner's Objection to the Report. The issues Petitioner now wishes the court to reconsider as "mistakes" or to reverse on the

grounds that they were erroneously decided have been fully considered on the merits. All of the above listed issues were claims included in the petition for writ of habeas corpus relief filed in this matter. The court considered all of the above and entered a Memorandum and Order overruling Petitioner's Objections to the Report on December 19, 2003. Petitioner was subsequently granted leave to appeal this matter to the United States Court of Appeals for the Third Circuit which denied his request for a certificate of appealability on August 9, 2004.

AND NOW, this 26th day of January 2005, this matter having been fully considered on the merits, **IT IS HEREBY ORDERED** that Petitioner's Motion for Relief Under Federal Rule of Civil Procedure 60(b) is **DENIED**. **IT IS FURTHER ORDERED** that the Clerk of Court close this case.

BY THE COURT:

S/_____
CLIFFORD SCOTT GREEN, S.J.